

The Department of Community Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission

From: Planning Division

Date: May 24, 2006

Re: REZONING: R-2, Low-Medium Density Residential District, to B-1C, Limited Business District (Conditional), for approximately twenty-three hundredths (0.23) of an acre of property at 3726 Old Forest Road.

I. PETITIONER

Thad Luxton, Luxton Enterprises, Inc. 3726 Old Forest Road, Lynchburg, VA 24501

Representative: Thad Luxton, Luxton Enterprises, Inc. 3726 Old Forest Road, Lynchburg, VA 24501

II. LOCATION

The subject property includes a tract of about twenty-three hundredths (0.23) of an acre at 3726 Old Forest Road.

Property Owners: Thad and Kristina Luxton, 3726 Old Forest Road, Lynchburg, VA 24501

III. PURPOSE

The purpose of this petition is to allow for the use of an existing residence as a business office.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan which recommends an office use in this area.
- Petition agrees with the Zoning Ordinance in that offices are allowed in a B-1, Limited Business District, provided that no merchandise, material or equipment is stored or kept on premises, either inside or outside of the building, for sale, demonstration or repair.
- Petition proposes the use of an existing residence as a business office.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends an Office use in this area. Office uses are intended for small-scale office buildings with floor plans not exceeding twenty thousand (20,000) square feet and buildings not exceeding four stories. Given the neighboring zoning and adjacent land use patterns, the proposed office is suitable for the property.
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-2, Low-Medium Density Single Family Residential zoning was established in 1978 with the adoption of the *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed rezoning.
4. **Proffers.** The petitioner voluntarily submitted the following proffer(s) with the rezoning application:
 - 1) The subject property shall be developed in substantial compliance with the site plan received by the Department of Community Planning & Development on May 15, 2006.
 - 2) An evergreen buffer will be planted adjacent to the residentially zoned property. The buffer shall be a double staggered row, six (6) feet in height at time of planting.

- 3) An improved commercial entrance will be installed on the property; the entrance will be thirty (30) feet wide at the right-of-way line with a fifteen (15) foot radius blended into Old Forest Road pavement.
 - 4) The two existing maple trees at the front of the property will be preserved as shown on the site plan received by the Department of Community Planning & Development on May 15, 2006.
 - 5) All outdoor lighting will be glare-shielded and directed so as to prevent illumination across the property line.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
- On March 24, 2004, City Council approved Robert Dawson's petition to rezone approximately three (3) acres at 3631 Old Forest Road from B-1, Limited Business District, and R-2, Low-Medium Density Single-Family Residential District, to B-1C, Limited Business District (Conditional), to allow the construction of an office complex.
 - On July 10, 2001, City Council approved D. Scott Zechini's CUP petition to allow a Cluster Commercial Development at 3712 Old Forest Road for three proposed buildings and parking for forty-two (42) vehicles on a tract of two and twenty-five hundredths (2.25) acres in a B-1, Limited Business District.
 - On July 13, 1999, City Council approved Dr. James Stanley's CUP petition to allow a Cluster Commercial Development at 3712 Old Forest Road for three proposed buildings and parking for forty-two (42) vehicles on a tract of two and twenty-five hundredths (2.25) acres in a B-1, Limited Business District.
 - On April 13, 1999, City Council approved Milton and Neal Realty's CUP petition to construct an additional parking lot for about fourteen (14) cars at 3701 Old Forest Road in an R-3, Medium Density Two-Family Residential District.
 - On May 12, 1998, City Council denied Properties, Inc.'s CUP petition to allow the construction of a commercial fueling facility within the 100 Block of Chapel Lane in an I-3, Heavy Industrial District.
 - On July 8, 1997, Forest Hill Animal Hospital withdrew its CUP request to City Council to allow the construction of a veterinary animal hospital at 3712 Old Forest Road.
 - On October 13, 1992, City Council rezoned properties along Graves Mill Road and Lakeside Drive from I-3, Heavy Industrial District to B-3, Community Business District as part of the Graves Mill Road/ US 221 Area Land Use Study - Growth Management Program – May 11, 1992 to promote economic vitality, convenience, general welfare and good zoning practice.
 - On October 11, 1983, City Council approved Conner, Tull and Mangus's petition to rezone approximately two and fifty-five hundredths (2.55) acres from B-1, Limited Business District, to B-3C, Community Business District (Conditional), at 3708 Old Forest Road.
6. **Site Description.** The subject property is bound to the north, east and southeast by commercial offices and to the southwest and west by single-family residential homes.
7. **Proposed Use of Property.** The purpose of the rezoning is to allow the conversion of the building to an eight hundred and eighteen (818) square foot office for Luxton Enterprises, Inc.; no additional buildings will be constructed on the subject property. Building materials for the existing single-family home is vinyl and fits with the character of the neighboring property. The

property is currently served by City water and an existing septic tank. Minor interior renovations will be required to meet the American Disabilities Act provisions of the Building Code. Trash collection will be provided for by curbside pick-up rather than by dumpster.

The petitioner will preserve existing mature vegetation at the front and sides of the property, as well as along the foundation of the building, to meet the requirements of the Scenic Corridor Overlay District. An additional shade tree will be planted at the western side of the parking lot. The petitioner also proposes to provide a vegetative evergreen buffer along the southern and western property lines to buffer existing residential properties.

8. **Traffic and Parking.** The City's Traffic Engineer has requested that the petitioner install a commercial entrance on the property. The petitioner has proffered to install a thirty (30) foot wide entrance at the right-of-way line with a fifteen foot radius that will be blended into Old Forest Road pavement. The proffer is acceptable to the City's Traffic Engineer.

Parking requirements for the proposed development are set based on offices for business, banking, professional and similar uses as defined by Chapter 35.1-25 of the City's Zoning Ordinance. This use requires one (1) parking space per three hundred (300) square feet of floor area; the proposed eight hundred and eighteen (818) square feet of office space will require three (3) parking spaces. The site plan indicates that three (3) parking spaces will be provided for on an existing paved area at the rear of the development, thus meeting the requirement of City Code.

9. **Storm Water Management.** New impervious areas will not exceed one thousand (1,000) square feet; as such, a stormwater management plan will not be required for the construction. Though not required, preserving existing vegetation on site will result in significantly less construction runoff than if the site were graded, and ultimately provide an improved stormwater quality benefit for the site.
10. **Emergency Services.** The City's Fire Marshal has approved the use of the existing driveway as a fire lane and had no additional comments on the proposed rezoning.

The City Police Department had no comments on the proposed office building.

11. **Impact.** The conversion of an existing residence to a business office will have limited impacts on the surrounding neighborhoods. The design and layout of the existing building is acceptable to the Planning Division.

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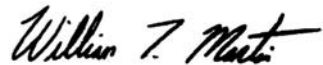
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on May 2, 2006. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

That the Planning Commission waives the twenty-one (21) day submittal requirements for proffers.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Luxton Enterprises, Inc petition to rezone approximately twenty-three hundredths (0.23) of an acre of property at 3726 Old Forest Road from R-2, Low-Medium Density Residential District, to B-1C, Limited Business District (Conditional), to allow for the use of an existing residence as a business office.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, Director of Engineering
Capt. Michael L. Thomas, Fire Marshal
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. J.P. Stokes, Lynchburg Police Department East Division
Capt. Al Thomas, Lynchburg Police Department South Division
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Administrator
Mrs. Erin B. Hawkins, Environmental Planner
Mr. Thad Luxton, Luxton Enterprises, Inc.

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern**
(see attached map)
2. **Vicinity Proposed Land Use**
(see attached map)
3. **Site Plan**
(see attached site plans)
4. **Proffers**
(see attached)